



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST-NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,695	07/07/2003	Roy E. Stiner	57390/03-500	7441
22206	7590	12/20/2005	EXAMINER	
FELLERS SNIDER BLANKENSHIP BAILEY & TIPPENS THE KENNEDY BUILDING 321 SOUTH BOSTON SUITE 800 TULSA, OK 74103-3318			WASHBURN, DOUGLAS N	
			ART UNIT	PAPER NUMBER
			2863	

DATE MAILED: 12/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/614,695	STINER ET AL.
	Examiner	Art Unit
	Douglas N. Washburn	2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02 January 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-12 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 07 July 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/02/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

Claims 1-12 are rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-12 of prior U.S. Patent No. 6,591,222. This is a double patenting rejection.

A comparison of conflicting claims is tabulated as follows:

10614695	6,591,222
1. A fishing reel having a line spool in communication with a crank handle for rewinding a fishing line onto said spool which displays the weight of a fish on said fishing line comprising: a load cell for measuring an outward force on said fishing line, said load cell having an output; a processor in communication with said output, wherein said processor calculates an estimate of the weight of a fish on the fishing line; and a display in communication with said processor for displaying the value of said estimate of the weight to a fisherman.	1. A fishing reel having a line spool in communication with a crank handle for rewinding a fishing line onto said spool which displays the weight of a fish on said fishing line comprising: a load cell for measuring an outward force on said fishing line, said load cell having an output; a processor in communication with said output, wherein said processor calculates an estimate of the weight of a fish on the fishing line; and a display in communication with said processor for displaying the value of said estimate of the weight to a fisherman.
2. The fishing reel of claim 1 further wherein said load cell is configured to measure rotational force applied to said spool.	2. The fishing reel of claim 1 further wherein said load cell is configured to measure rotational force applied to said spool.
3. The fishing reel of claim 1 wherein predetermined values for said estimate are stored in a table and a particular value is read from said table corresponding to a given force measured by said load cell.	3. The fishing reel of claim 1 wherein predetermined values for said estimate are stored in a table and a particular value is read from said table corresponding to a given force measured by said load cell.

10614695 continued

4. An apparatus for displaying the weight of a fish on a fishing line comprising:

a load cell for measuring an outward force on the fishing line,
said load cell having an output;

a processor in communication with said output;

and a display in electrical communication with said processor, wherein said processor displays an estimate of the weight of said fish on said display, said estimate calculated from one or more values read from said output as said fish is being reeled-in.

5. The apparatus of claim 4 further comprising a spin cast fishing reel.

6. The apparatus of claim 5 further comprising a line spool for receiving the fishing line, wherein said load cell is configured to measure the rotational force applied to said spool by an outward force applied to the fishing line.

6,591,222 continued

4. An apparatus for displaying the weight of a fish on a fishing line comprising:

a load cell for measuring an outward force on the fishing line,
said load cell having an output;

a processor in communication with said output;

and a display in electrical communication with said processor, wherein said processor displays an estimate of the weight of said fish on said display, said estimate calculated from one or more values read from said output as said fish is being reeled-in.

5. The apparatus of claim 4 further comprising a spin cast fishing reel.

6. The apparatus of claim 5 further comprising a line spool for receiving the fishing line, wherein said load cell is configured to measure the rotational force applied to said spool by an outward force applied to the fishing line.

10614695 continued

7. A method for estimating the weight of a fish on a fishing line including the steps of:
- (a) creating a table of estimated fish weights, wherein each estimated weight stored in said table corresponds to a particular force acting on the fishing line as a fish is reeled-in;
 - (b) providing a fishing reel configured to measure the outward force applied to the fishing line, said reel further including a processor having memory and a display;
 - (c) storing said table in said memory;
 - (d) measuring a force applied to the fishing line as a fish is reeled-in;
 - (e) calculating an average force comprising the average of said forces measured in step (d);
 - (f) reading a value for the estimated weight of the fish on the line from said table, a pointer to said value corresponding to said average force;

6,591,222 continued

7. A method for estimating the weight of a fish on a fishing line including the steps of:
- (a) creating a table of estimated fish weights, wherein each estimated weight stored in said table corresponds to a particular force acting on the fishing line as a fish is reeled-in;
 - (b) providing a fishing reel configured to measure the outward force applied to the fishing line, said reel further including a processor having memory and a display;
 - (c) storing said table in said memory;
 - (d) measuring a force applied to the fishing line as a fish is reeled-in;
 - (e) calculating an average force comprising the average of said forces measured in step (d);
 - (f) reading a value for the estimated weight of the fish on the line from said table, a pointer to said value corresponding to said average force;

10614695 continued

6,591,222 continued

<p>7. continued</p> <p>(g) displaying said value of the estimated weight on said display;</p> <p>(h) repeating steps (d)-(g) until the fish is landed.</p> <p>8. The method of claim 7 wherein step (f) is replaced by the steps of:</p> <p>(f)(i) reading a lower value from said table, a pointer to said lower value corresponding to a force less than said average force;</p> <p>(f)(ii) reading an upper value from said table, a pointer to said upper value corresponding to a force greater than said average force;</p> <p>(f)(iii) interpolating a value for the estimated weight of the fish between said lower value and said upper value from the relationship of said average force relative to said force less than said average force and to said force greater than said average force.</p>	<p>7. continued</p> <p>(g) displaying said value of the estimated weight on said display;</p> <p>(h) repeating steps (d)-(g) until the fish is landed.</p> <p>8. The method of claim 7 wherein step (f) is replaced by the steps of:</p> <p>(f)(i) reading a lower value from said table, a pointer to said lower value corresponding to a force less than said average force;</p> <p>(f)(ii) reading an upper value from said table, a pointer to said upper value corresponding to a force greater than said average force;</p> <p>(f)(iii) interpolating a value for the estimated weight of the fish between said lower value and said upper value from the relationship of said average force relative to said force less than said average force and to said force greater than said average force.</p>
---	---

10614695 continued

9. A method for estimating the weight of a fish on a fishing line including the steps of:
- (a) creating a table of estimated fish weights, wherein each estimated weight stored in said table corresponds to a particular peak force applied to the fishing line as a fish is reeled-in;
 - (b) providing a fishing reel configured to measure the outward force applied to the fishing line, said reel further including a processor having memory and a display;
 - (c) storing said table in said memory;
 - (d) measuring the force applied to the fishing line as a fish is reeled-in;
 - (e) comparing said force to a peak force;
 - (f) if said force is greater than said peak force, storing said force as said peak force;

6,591,222 continued

9. A method for estimating the weight of a fish on a fishing line including the steps of:
- (a) creating a table of estimated fish weights, wherein each estimated weight stored in said table corresponds to a particular peak force applied to the fishing line as a fish is reeled-in;
 - (b) providing a fishing reel configured to measure the outward force applied to the fishing line, said reel further including a processor having memory and a display;
 - (c) storing said table in said memory;
 - (d) measuring the force applied to the fishing line as a fish is reeled-in;
 - (e) comparing said force to a peak force;
 - (f) if said force is greater than said peak force, storing said force as said peak force;

10614695 continued

6,591,222 continued

9. continued (g) reading a value for the estimated weight of the fish on the line from said table, a pointer to said value corresponding to said peak force; (h) displaying said value of the estimated weight on said display; (i) repeating steps (d)-(h) until the fish is landed.	9. continued (g) reading a value for the estimated weight of the fish on the line from said table, a pointer to said value corresponding to said peak force; (h) displaying said value of the estimated weight on said display; (i) repeating steps (d)-(h) until the fish is landed.
10. The method of claim 9 wherein step (f) is replaced by the steps of: (f)(i) reading a lower value from said table, a pointer to said lower value corresponding to a force less than said peak force; (f)(ii) reading an upper value from said table, a pointer to said upper value corresponding to a force greater than said peak force;	10. The method of claim 9 wherein step (f) is replaced by the steps of: (f)(i) reading a lower value from said table, a pointer to said lower value corresponding to a force less than said peak force; (f)(ii) reading an upper value from said table, a pointer to said upper value corresponding to a force greater than said peak force;

10614695 continued

6,591,222 continued

10. continued (f)(iii) interpolating a value for the estimated weight of the fish between said lower value and said upper value from the relationship of said peak force relative to said force less than said peak force and to said force greater than said peak force.	10. continued (f)(iii) interpolating a value for the estimated weight of the fish between said lower value and said upper value from the relationship of said peak force relative to said force less than said peak force and to said force greater than said peak force.
11. A method for estimating the weight of a fish on a fishing line including the steps of: (a) creating a table of estimated fish weights, wherein each estimated weight stored in said table corresponds to a particular hook-set force measured on the fishing line as a fish is caught; (b) providing a fishing reel configured to measure the force applied to the fishing line, said reel further including a processor having memory and a display; (c) storing said table in said memory; (d) measuring the force applied to the fishing line as a fish is caught;	11. A method for estimating the weight of a fish on a fishing line including the steps of: (a) creating a table of estimated fish weights, wherein each estimated weight stored in said table corresponds to a particular hook-set force measured on the fishing line as a fish is caught; (b) providing a fishing reel configured to measure the force applied to the fishing line, said reel further including a processor having memory and a display; (c) storing said table in said memory; (d) measuring the force applied to the fishing line as a fish is caught;

10614695 continued

6,591,222 continued

<p>11. continued</p> <p>(e) reading a value for the estimated weight of the fish on the line from said table, a pointer to said value corresponding to the hook-set force;</p> <p>(f) displaying the value of the estimated weight on said display.</p>	<p>11. continued</p> <p>(e) reading a value for the estimated weight of the fish on the line from said table, a pointer to said value corresponding to the hook-set force;</p> <p>(f) displaying the value of the estimated weight on said display.</p>
<p>12. The method of claim 11 wherein step (e) is replaced by the steps of:</p> <p>(e)(i) reading a lower value from said table, a pointer to said lower value corresponding to a force less than said hook-set force;</p> <p>(e)(ii) reading an upper value from said table, a pointer to said upper value corresponding to a force greater than said hook-set force;</p> <p>(e)(iii) interpolating a value for the estimated weight of the fish between said lower value and said upper value from the relationship of said hook-set force relative to said force less than said hook-set force and to said force greater than said hook-set force.</p>	<p>12. The method of claim 11 wherein step (e) is replaced by the steps of:</p> <p>(e)(i) reading a lower value from said table, a pointer to said lower value corresponding to a force less than said hook-set force;</p> <p>(e)(ii) reading an upper value from said table, a pointer to said upper value corresponding to a force greater than said hook-set force;</p> <p>(e)(iii) interpolating a value for the estimated weight of the fish between said lower value and said upper value from the relationship of said hook-set force relative to said force less than said hook-set force and to said force greater than said hook-set force.</p>

Conclusion

2 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas N. Washburn whose telephone number is (571) 272-2284. The examiner can normally be reached on Monday through Thursday 6:30 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DNW



John Barlow
Supervisory Patent Examiner
Technology Center 2800